

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF
SOCIAL SERVICES, *et al.*,

Defendants.

Case No. 2:20-cv-00014-JPJ-PMS

**JOSHUA MOON'S RESPONSE
TO MOTION FOR SANCTIONS**

NOW COMES Joshua Moon, by and through undersigned counsel, and states as follows:

- 1) Plaintiff cites only Fed. R. Civ. P. 11 (b) as the basis for her Motion. Unfortunately, Plaintiff appears not to have read the remainder of the Rule. Fed. R. Civ. P. 11 (c)(2) makes plain two requirements for a sanctions motion, neither of which the Plaintiff has complied with:
 - a. First, "A motion for sanctions must be made separately from any other motion" and cannot be incorporated into another filing, as the Plaintiff has done.
 - b. Second, a sanctions "motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service."
- 2) Leaving aside the Plaintiff's procedural noncompliance, undersigned counsel respectfully submits that it is not sanctionable behavior for an attorney to refuse to join Ms. Scott in her alternative version of her own litigation history. Undersigned counsel respectfully submits that he has taken the appropriate steps to request records from a sister court which will either prove or (as is much more likely) disprove Ms. Scott's fanciful narratives, and that such certified records will speak volumes about the Plaintiffs

behavior both in this litigation generally and with respect to her motion for sanctions specifically.

WHEREFORE, Mr. Moon respectfully submits that the Plaintiff's Motion for Sanctions should be denied. Alternatively, the Court should issue an order requiring the Plaintiff to show cause what reasonable and good faith basis she had for believing that her sanctions motion was appropriate or grounded in fact or law.

Respectfully submitted this the 14th day of October, 2021,

JOSHUA MOON

By Counsel:

/s/Matthew D. Hardin

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Certificate of Service

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott
2014PMB87
Post Office Box 1133
Richmond, VA 23218

Dated: October 14, 2021

/s/Matthew D. Hardin

Matthew D. Hardin

Counsel for Joshua Moon